

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 MAY 10 PM 4:02

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

May 10, 2006

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: ALJ's Proposal for Decision and Proposed Order regarding the Application of Southern Crushed Concrete, Inc. to change the location of a previously-permitted portable concrete crushing facility in Harris County.; TCEQ Docket No. 2004-0839-AIR; SOAH Docket No. 582-05-1040.

The above-named matter is scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its May 17, 2006, public meeting. Pursuant to 30 TAC § 80.261 the General Counsel is continuing this matter until the Commission's public meeting scheduled for June 28, 2006. The General Counsel is continuing this matter in order to allow the Executive Director to review the record and file a brief pursuant to 30 TAC § 80.257 to address the following issue that was referred to SOAH: Whether the Applicant's Emissions Calculations and Modeling are Accurate. More specifically,

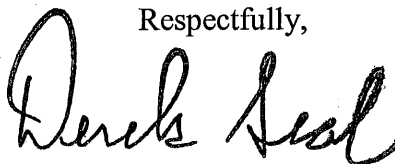
1. Whether Applicant's use of the AP-42 unpaved road factor is consistent with agency practice and/or guidelines, and whether it was appropriate in this case.
2. Whether Applicant's exclusion of road emissions from its short-term modeling runs is consistent with agency practice and/or guidelines, and whether it was appropriate in this case.
3. Whether Applicant's use of the paved road control factor for milled asphalt roads is consistent with agency practice and/or guidelines, and whether it was appropriate in this case.
4. Whether Applicant's failure to take into account stockpile heights when modeling stockpile emissions is consistent with agency practice and/or guidelines, and whether it was appropriate in this case.
5. Whether Applicant's use of the "Bissonnet" monitor to provide background concentrations for PM_{2.5} is consistent with agency practice and/or guidelines, and whether it was appropriate in this case.
6. Whether Applicant's inclusion in the screen modeling of the "empty areas" between the various aspects of the rock crushing operations is consistent with agency practice and/or guidelines, and whether it was appropriate in this case.

The Executive Director shall file the requested brief with the Office of Chief Clerk by **5:00 p.m. on Friday, May 26, 2006**. The parties may file replies to the Executive Director's brief by filing them with the Office of Chief Clerk by **5:00 p.m. on Wednesday, June 7, 2006**. Amicus briefs will not be accepted in this matter.

Accordingly, this matter is hereby continued to the Commission's public meeting scheduled on **Wednesday, June 28, 2006**, beginning at **1:00p.m.** The meeting will take place in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

If you have any questions about this matter, please contact Matt Beeter, Assistant General Counsel, at (512) 239-1406.

Respectfully,

A handwritten signature in black ink that reads "Derek Seal". The signature is written in a cursive, flowing style.

Derek Seal
General Counsel

Mailing List

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Mailing List
Southern Crushed Concrete, Inc.
TCEQ Docket No. 2004-0839-AIR
SOAH Docket No. 582-05-1040

Pamela Giblin
Whitney L. Swift
Derek R. McDonald
Baker Botts, L.L.P.
1500 San Jacinto Center
98 San Jacinto Boulevard
Austin, Texas 78701-4078
512/322-2500 FAX 512/322-2501

Martina Cartwright
3100 Cleburne Avenue
Houston, Texas 77004
713/313-1019 FAX 713/313-1191

Iona Givens, Sr. Asst. City Atty.
City of Houston
900 Bagby, 3rd Floor
Houston, Texas 77002
713/247-1152 FAX 713/247-1017

Snehal R. Patel
Harris County Attorney's Office
1310 Prairie, Room 940
Houston, Texas 77002
713/755-8284 FAX 713/755-2680

The Honorable Sheila Jackson Lee
1919 Smith St., Suite 1180
Houston, Texas 77002
713/655-0050 FAX 713/655-1612

Craig R. Bennett
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
512/475-4993 FAX 512/475-4994

Garrett Arthur
Brad A. Patterson
TCEQ Environmental Law Division MC 175
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Mary Alice C. McKaughan
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Jody Henneke
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-4007

Kyle Lucas
TCEQ Alternative Dispute
Resolution Program MC 222
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015